

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

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4 RICHARD FLEMMING,  
5 Plaintiff,  
6 v.  
7 COUNTY OF ALAMEDA, et al.,  
8 Defendants.

Case No. 14-cv-05542-TEH

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE  
OPPOSITION AND SETTING  
CONSOLIDATED BRIEFING AND  
HEARING SCHEDULE**


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10 Plaintiff's opposition to County Defendants' motion to dismiss was due on January  
11 6, 2015. The Court ordered Plaintiff's counsel to show cause for her failure to file a timely  
12 opposition as required by the Local Rules. The Court is satisfied with counsel's response.

13 On January 21, 2015, Plaintiff filed a motion requesting leave to file his out-of-time  
14 opposition. (Docket No. 17). After reviewing the motion, the Court hereby GRANTS  
15 Plaintiff's request to file his out-of-time opposition. Note: Generally, parties should not  
16 file out-of-time submissions until granted leave to do so by the Court. Instead, the out-of-  
17 time submission should be attached as an exhibit to the motion for leave; after the Court  
18 grants leave, the party can then file the out-of-time submission. Nevertheless, the Court  
19 will accept Plaintiff's opposition, (Docket No. 18), and not require it to be re-filed.

20 The Court FURTHER ORDERS that the remaining briefing and hearing schedule  
21 on County Defendants' motion to dismiss shall be consolidated with the briefing and  
22 hearing schedule for State Defendant's motion to dismiss. Replies for both motions are  
23 now due on or before **February 6, 2015**, and both motions shall be set for hearing on  
24 **February 23, 2015, at 10:00 A.M.**

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26 **IT IS SO ORDERED.**

27 Dated: 01/26/15

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THELTON E. HENDERSON  
United States District Judge